

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the discussion presented herein.

1. Rejection of Claims 1-10 and 17-28 under 35 U.S.C. § 103(a).

Claims 1-10 and 17-28 were rejected herein under 35 U.S.C. § 103(a) as being obvious in view of the combined teachings of Satomi et al. (U.S. Pat. Publ. No. 2003/0063304) and Ohta (U.S. Patent No. 7,188,224). Claims 1, 10, 17, and 24-28 are the independent claims within the above group of claims.

Applicant has amended the claims to recite the synchronization and tracking mechanisms of the invention with greater particularity.

Claim 1. Amended independent Claim 1 is directed at the creation of a new record for the tracking and synchronizing system of the instant application. It will be seen that the information placed in the record for this new content is *"automatically completing said new content record in response to information contained in the specific content as well as information received from comparisons between the new content and said duplicate or related content which is available across the multiple devices"*.

In prior responses Applicant attempted to bring out that neither the teachings of Satomi, nor those of Ohta, nor the combination thereof, perform tracking and synchronization duties in response to having each content record include information about *"duplicate or related content"*. The shortcomings addressed in the last response were toward the Ohta reference as Examiner stated that *"Satomi is silent with respect to duplicates and said specific content are retained across multiple devices configured for communicating with one another over a network and response to the request based on the presence of any duplicate or retained content."*; with the combination of Ohta directed as overcoming that shortcoming. Since, Applicant contended that Ohta did not show what it was asserted to show, the combination put forth did not teach what it was purported to teach and thus did not obviate the elements of the claim. The claims have been amended to bring out these distinctions with more clarity.

In amended Claim 1 the duplicate and related content aspect has been more clearly distinguished in regard to creating a new record which is automatically completed in response to information about duplicates and related content. Furthermore, amended Claim 1 describes *"updating the records of duplicate or related content with information about the specific content associated with said new content record to synchronize the content records"*, which is also not taught in the relied-upon Satomi and Ohta references. These aspects of the invention provide particular benefit when the content is being managed across multiple devices as described in the specification, including the background of the invention (page 1, lines 20-22), and recited in the preamble of the claim.

The Satomi reference describes a photosite, thus it is a website and is described with a central database. Applicant finds nothing in this reference in relation to storing information about duplicate or similar content within the record associated with each specific element of content. Examiner has already stated that *"Satomi is silent with respect to duplicates and said specific content are retained across multiple devices configured for communicating with one another over a network and response to the request based on the presence of any duplicate or retained content."*

The Ohta reference describes a content duplication system as seen in the Abstract which determines whether to duplicate content with respect to group identification of the device and the number of allowed copies. As seen in the summary (refer to column 1, line 52 through column 2, lines 17) Ohta describes a *"content duplication management system"* (col. 1, line 54) including *"a networked apparatus that belongs to a group and that is connected via a network to at least one device in the group and to at least one device out of the group"* (col. 1, lines 58-61). Unauthorized duplication is prevented by the storage of *"duplication restricting information"* which is described in col. 2, lines 5-12 as follows: *"The networked apparatus may store duplication restricting information that is attached to the content. The duplication restricting information shows (i) a permitted number representing a right to duplicate the*

content, and (ii) restrictions to be imposed on duplication of the content to a device that is out of the group. The networked apparatus may control duplication of the content based on the duplication restricting information." It can be seen from the above that Ohta utilizes two pieces of information (duplication number (count) and restrictions) for controlling unwanted duplication of the given content, neither of which comports to it storing information in one content record about OTHER duplicates or related content as brought out in Claim 1 storing information within the record *"about said duplicate or related content"*.

Consequently, since all elements recited in a claim must be considered and given effect in judging the patentability of that claim against the prior art; (See *In re Geerdes*, 491 F.2d 1260, 1262-63, 180 USPQ 789, 791 (CCPA 1974)), then the claim recites aspects for which no teaching or suggestion is provided in either reference, and nothing asserted for the combination which obviates these elements of the claim.

Accordingly, the teachings of Ohta in combination with Satomi do not obviate the teachings as recited in Claim 1. Applicant respectfully requests that the rejection of independent Claim 1, and the claims which depend therefrom, be withdrawn.

Claims 2-3. Dependent Claims 2-3 have been amended to now recite the processing of a request in relation to the content database recited in Claim 1. It will be seen that the record for the item of content is reviewed in the second claim element and the process performed of *"analyzing the associated record to determine what duplicate or related content is available across the multiple devices"*. Applicant does not find in either the Satori or Ohta reference the use of non-centralized (record-centric) storage of duplicate and similar record information within each content record.

It is well recognized that concepts and ideas, *per se*, are not patentable, wherein patent protection is directed at the specific embodiments put forth for carrying out the concepts and ideas. Therefore it is immaterial if a contention can be made that the embodiment is directed toward a similar idea or inventive concept. For instance, there exist numerous multiblade shaving razors on the market each having a patent on its

own patentably distinct elements while being directed toward the same or similar inventive concepts.

Further support for this argument is put forth by the Administrative Patent Judge in Appeal No. 96-0651 of Application No. 08/087,164, heard February 11, 1999.

"Merely because two systems perform the same or a similar function does not, per se, make those systems patentably indistinct. For example, a quill and ink, a ballpoint pen and an electronic word processor may all perform the same function, i.e., the writing of a document, but, clearly, they do not perform the same function in the same manner."

Thus dependent Claims 2-3, as well as a number of the other dependent claims recite aspects which are rendered obvious by the combination of Satori and Ohta.

Furthermore, Claims 2-3 and the other dependent claims should be considered a *fortiori* allowable in view of their dependence on an independent claim whose patentability has been discussed.

Therefore, Applicant respectfully requests that the rejection of Claims 2-3 and the other dependent claims be withdrawn.

Claim 10. Independent Claim 10 has been amended following the changes made to Claim 1 above.

Accordingly amended Claim 10 recites creating a new record within the system for tracking and synchronizing content across a plurality of client devices and a server. Claim 10 describes *"means for updating the records of duplicate or related content with information about the specific content associated with said new content record to synchronize the content records"*, which is not taught in the relied-upon Satomi and Ohta references. Claim 10 also describes the updating of existing records for the specific duplicate or related content, which also is not derived from the references or their combination.

Therefore, Applicant respectfully requests that the rejection of Claim 10 be withdrawn.

Claims 17 and 24-28. Independent Claims 17 and 24-28 are directed to system/apparatus/computer readable medium for tracking and synchronizing content.

Support for the rejections of Claims 17 and 24-27 was put forth in the rejection asserted against Claims 1 and 10, which were previously discussed. Amended Claims 17 and 24-28 recite aspects of the system with more particularity. One portion of the claims recites *"wherein a content record is associated with each specific content, with said content record having information fields for accessing the duplicate content and/or related content"*.

As mentioned with respect to Claims 1 and 10, the relied-upon references of Satomi and Ohta provide NO support for this aspect regardless of whether they are considered separately or in combination.

Additionally, the Claim describes the finding of duplicate or related content in response to the request. It will be recognized that Ohta controls how many times the content can be duplicated and relies on a count of duplicates, and does not "find" a *"content that is available across the system containing the multiple devices"*.

Furthermore, Claims 17 and 24-27 recite that *"said review module also automatically updates content record fields associated with existing content in response to receipt of new content which is found to be a duplicate or related to the existing content"*. Nothing of this nature is described by either Satomi or the Ohta reference.

Accordingly, independent Claims 17 and 24-27 describe aspects which are not taught in either of the relied-upon references, or obvious in view of their combination, wherein Applicant respectfully requests that the rejection of Claims 17 and 24-27 and the claims that depend therefrom be withdrawn.

Therefore, the Applicant respectfully requests that the rejection of Claims 1-10 and 17-28 be withdrawn and a notice of allowance issued for the instant application.

2. Amendment of Claims 1-10, 17-28.

Claim 1. Independent Claim 1 has been amended as follows.

The preamble recites *"a method of tracking and synchronizing content across a*

plurality of client devices and a server". Support for this is found throughout the specification, including page 1, lines 20-22; page 2, lines 4-8; page 5, lines 3-6; page 6, lines 6-17; and page 7, lines 15-22.

In general, the claim has been amended to recite processing a request in which new content is received. Dependent Claims 2 and 3 extend this to discuss processing additional requests. This claim thus discusses the creation of a record structure and how that entails the consideration of other content which is related and/or a duplicate of this new content element.

Support for these elements, including *"receiving new content within a request from a user"; "reviewing specific content within said new content"; "comparing with duplicate or related content"; "performing the request and creating a new content record corresponding to said new content"; "automatically completing said new content record based on information contained in the specific content as well as information about the presence of duplicate or related content which is available across the multiple devices"; and "updating the records of duplicate or related content with information about the specific content associated with said new content record to synchronize all the content records"; are found in the drawings in relation to FIG. 6, as well as throughout the specification including page 6, lines 18-23; page 7, lines 9-11; page 9, line 16 through page 10, line 2; and page 14, line 8 through page 15, line 18.*

Claims 2-3. Dependent Claims 2 and 3 have been amended to recite the receiving of a request, reviewing a record as were before recited in Claim 1. It will be noted that Claim 2 is directed to executing a request which is confirmed by a user, while Claim 3 (now dependent from Claim 1), is directed at processing a request in response to preferences.

Claims 2-9. The preambles in this group of dependent claims has been amended to into a preferred form *"A method as recited in claim XX"* as a matter of form.

Claim 4. Dependent Claim 4 has been amended to change *"in response to"* into *"based on"* as recited in the specification, including page 9, lines 16-17. Also Claim 4

has been amended to depend from Claim 2 in accord with the amendment made to Claim 1.

Claim 6. Dependent Claim 6 has been amended to recite the related content field within the content record, as recited in the specification, including page 12, lines 8-9.

Claim 10. Independent Claim 10 has been amended in a similar manner as independent Claim 1, and relies on the same support from the drawings and specification.

Claim 17. Independent Claim 17 has been amended to include recitations about the content records and both duplicate and related content.

A description of the relation of content and content records is included as: "wherein a content record is associated with each specific content, with said content record having information fields for accessing the duplicate content and/or related content". This aspect contains material of amended Claim 1, support for this aspect is found in the specification including page 9, lines 16-23; page 10, lines 12-15; page 12, lines 8-11; page 14, lines 8-23; and so forth.

Description of the review module was amended to utilize the phrasing "to find" the duplicate or related content. Support for "to find ~~determine what~~ duplicate or related content that is available across the system containing the multiple devices" is provided in the specification, such as at page 15, lines 14-18.

The review module description is extended as: "said review module also automatically updates content record fields associated with existing content in response to receipt of new content which is found to be a duplicate or related to the existing content". Support for this aspect is found in block 660 of FIG. 6, as well as in the specification, including page 9, line 21 through page 10, line 2; and page 15, lines 14-18.

The control module term was deleted as being unnecessary to the description. One of ordinary skill in the art will appreciate that control logic can exist on the interface,

storage and review modules themselves for coordinating their operations. It will be noted that no specific actions of the control module are detailed in the specification with regard to the specific actions of these modules. It will also be noted that the capture module has never been listed in this claim as not directed to the recited aspects of the invention.

Claims 18-23. The preambles in this group of dependent claims has been amended to into a preferred form “A system as recited in claim XX”, as a matter of form.

Claims 24-28. Independent Claims 24-28 have been amended to recite the additional aspects included in independent Claim 17.

3. Amendments Made Without Prejudice or Estoppel.

The amendments have been made to expedite patent issuance and are not an indication of acquiescence on the respective grounds for rejection addressed above. These amendments have been made without waiver, admission, or estoppel as to the merits or lack thereof with respect to the form of the claims as originally filed. Applicant reserves the right to pursue the original form of these claims in the future, such as through continuation practice, for example.

4. Extension of time under 37 CFR 1.136(a).

A petition is enclosed for a one month extension as described in 37 CFR 1.136(a); an appropriate fee is enclosed.

5. Request for Continued Examination (RCE).

An appropriate fee is enclosed for a RCE (Request for Continued Examination) of this application (See 37 CFR 1.114).

6. Conclusion.

Based on the foregoing, the Applicant respectfully requests that the various grounds for rejection in the Office Action be withdrawn and that a Notice of Allowance be issued for Claims 1-10 and 17-28.

In the event any further matters remain at issue with respect to the present application, Applicant respectfully requests that the Examiner please contact the

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undersigned below at the telephone number indicated in order to discuss such matter prior to the next action on the merits of this application.

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Respectfully submitted,

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